
OLR Bill Analysis

SB 443

AN ACT CONCERNING ILLEGAL ELECTRONIC MONITORING.

SUMMARY:

Subject to certain exceptions, this bill makes it a class A misdemeanor to install, place, or use a cell phone, global positioning system (GPS), or other electronic monitoring device, or cause such actions to be done, to track another person's location without the person's consent. Class A misdemeanors are punishable by up to one year in prison, up to a \$2,000 fine, or both.

The bill does not apply to the installation, placement, or use of electronic monitoring devices by:

1. law enforcement officers, or employees of the Judicial Department, Department of Correction, Department of Motor Vehicles, or other state agencies, when the officer or employee is performing official duties in accordance with state or federal law;
2. a minor's parent or guardian, when tracking the minor;
3. someone with custody or control of, or providing supervision of, a minor, when tracking the minor as authorized by the minor's parent or guardian;
4. someone's court-appointed guardian or conservator, when tracking the person pursuant to the appointing court's specific authorization;
5. an owner of fleet vehicles, when tracking the vehicles; or
6. a certified telecommunications provider, to the extent that its installation, placement, or use of an electronic monitoring

device is disclosed in the provider's written terms of use, privacy policy, or similar document available to the consumer.

The bill specifies that it applies to both individuals and entities, subject to the exceptions set forth above.

EFFECTIVE DATE: October 1, 2012

DEFINITIONS

The bill defines an electronic monitoring device as a GPS or other electronic or mechanical device that allows someone to remotely determine or track someone else's position and movement. This includes a device in a cellular radio telephone that allows someone to remotely determine or track the position and movement of the person who has the phone.

The bill defines fleet vehicles as motor vehicles:

1. owned by a single person and operated by the person's employees or agents for business or governmental purposes,
2. held for lease or rental to the public, or
3. held for sale by a licensed new or used motor vehicle dealer.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 32 Nay 13 (03/28/2012)